

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE, et al.,
Plaintiffs,

No. C 04-02077 CRB

ORDER OF DISMISSAL

v.
AVOCA TRUCKING & EXCAVATING,
INC., et al.,
Defendants.

Now pending before the Court is Magistrate Judge James' Report and Recommendation recommending that this action be dismissed for lack of prosecution. After considering the recommendation and the history of this case, the Court adopts the Report and Recommendation and DISMISSES this action pursuant to Federal Rule of Civil Procedure 41 for a failure to prosecute.

IT IS SO ORDERED.

Dated: December 5, 2005



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE